

Remarks

Claims 47-67 are pending in the subject application. Applicants hereby reaffirm the election to prosecute the invention of Group 4 (SEQ ID NO: 16), with traverse. By way of this amendment, claims 68-77 have been added (support for the new claims may be found, for example, in previously presented claim 47) and claims 47-67 have been canceled. Accordingly, claims 68-77 are currently before the Examiner and read on the elected invention. Favorable consideration of the pending claims is respectfully requested.

As noted above, Applicants traverse the restriction of the polypeptides of Groups 3 and 4, as set forth in the Restriction Requirement. As the Examiner is aware, this application is a national stage application and is subject to the unity of invention rules for restriction. The principles of unity of invention are used to determine the types of claimed subject matter and the combinations of claims to different categories of invention that are permitted to be included in a single international or national stage patent application. The basic principle is that an application should relate to only one invention or, if there is more than one invention, that applicant would have a right to include in a single application only those inventions which are so linked as to form a single general inventive concept. The expression “special technical features” is defined in PCT Rule 13.2 as meaning those technical features that define a contribution which each of the inventions, considered as a whole, makes over the prior art. Additionally, a group of inventions is considered linked to form a single general inventive concept where there is a technical relationship among the inventions that involves at least one common or corresponding special technical feature. In this case, the special technical feature linking Groups 3 and 4, SEQ ID NOs: 14 and 16, is that the core sequence of both SEQ ID NOs: (amino acids 22-78 of SEQ ID NO: 14) and amino acids 1-57 of SEQ ID NO: 16 are related, with SEQ ID NO: 16 corresponding to “the INSP109 mature polypeptide” (lacking amino acids 1-21 of SEQ ID NO: 14, a signal peptide). Applicants further note that an undue search burden would not be incurred by a search of both SEQ ID NOs: 14 and 16, particularly where a search of SEQ ID NO: 16, the elected invention, should also identify any polypeptides corresponding to SEQ ID NO: 14, containing the additional 21 amino acids of the postulated signal peptide. Thus, it is respectfully related that these two polypeptides share a special technical feature, namely the sequence of the

mature INSP109 polypeptide and reconsideration and withdrawal of the restriction requirement is respectfully requested.

Applicants believe that the pending claims are in condition for allowance and such action is respectfully requested.

The Commissioner is hereby authorized to charge any fees under 37 CFR §§1.16 or 1.17 as required by this paper to Deposit Account No. 19-0065.

Respectfully submitted,



Frank C. Eisenschenk, Ph.D.  
Patent Attorney  
Registration No. 45,332  
Phone No.: 352-375-8100  
Fax No.: 352-372-5800  
Address: P.O. Box 142950  
Gainesville, FL 32614-2950

FCE/jb